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Item 87 of the preliminary list*
The scope and application of the principle of universal jurisdiction

The scope and application of the principle of universal jurisdiction

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 72/120, by which the Assembly requested the Secretary-General to prepare a report on the basis of information and observations received from Member States and relevant observers, as appropriate, on the scope and application of universal jurisdiction, including, where appropriate, information on the relevant applicable international treaties and their national legal rules and judicial practice.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 72/120, on the basis of comments and observations submitted by Governments and the International Committee of the Red Cross. It contains a summary of such comments and observations received since the issuance of the report of 2017 (A/72/112) and should be read together with that and prior reports (A/65/181, A/66/93 and Add.1, A/67/116, A/68/113, A/69/174, A/70/125 and A/71/111).

2. In accordance with resolution 72/120, section II of the present report, together with tables 1 to 3, focuses on specific information regarding the scope and application of universal jurisdiction on the basis of relevant national legal rules, applicable international treaties and judicial practice. Information received from the International Committee of the Red Cross is provided in section III, and section IV contains a synopsis of issues raised by Governments for possible discussion.

3. Responses were received from Argentina, Australia, Bahrain, Bulgaria, Cyprus, El Salvador, Mexico, Qatar, Switzerland, Turkey and Ukraine.

4. The International Committee of the Red Cross also submitted a response.[1]

5. The complete submissions are available from the website of the Sixth Committee of the General Assembly (http://www.un.org/en/ga/sixth/).

II. Scope and application of universal jurisdiction on the basis of relevant national legal rules, applicable international treaties and judicial practice: comments by Governments

A. Basic legal rules

1. Relevant national legal rules[2]

Argentina

6. Argentina reported that it has accepted the principle of universal jurisdiction on several occasions, by application of article 118 of its Constitution. Application of the principle was demonstrated through the initiation of investigations of crimes that were considered *delicti jus gentium*, despite the crimes having been committed outside Argentina and neither the principle of nationality, nor the protective principle being applicable. The exercise of universal jurisdiction was, however, contingent on a determination that the crimes had not been previously prosecuted or that prosecution was not possible. Argentina further reported that it has requested mutual legal assistance and extradition to Argentina from a number of States as part of investigations in Argentina of crimes against humanity, genocide and war crimes, which are crimes subject to prosecution under the principle of universal jurisdiction and are imprescriptible.

[1] The International Civil Aviation Organization submitted a nil return.

[2] Table 1 contains a list of crimes concerning which universal jurisdiction is established by various codes, as mentioned in the comments by Governments. Table 2 contains specific legislation relevant to the subject, based on information submitted by Governments.

Australia[3]

7. Australia reiterated comments made previously regarding the implementation of the principle of universal jurisdiction in Australian law with respect to serious crimes of international concern (for further information see tables 1 and 2 below).

Bahrain

8. Bahrain reported that the principle of universal jurisdiction has been incorporated into its domestic legislation. Bahrain stated that its Penal Code (Legislative Decree No. 15 of 1976), in its articles 9 and 111, allows for the application of the principle of universal jurisdiction to punish perpetrators of crimes set forth therein if no request for extradition has been made. Bahrain further stated that Act No. 1 of 2008 on Combating Trafficking in Persons, when read in conjunction with the Penal Code, allows for the application of the principle of universal jurisdiction, given that trafficking in persons may be considered as a crime of an international character that was deemed an aggravating circumstance.

Bulgaria[4]

9. Bulgaria reported that article 6 (1) of its Criminal Code provides that the Code also applies to foreign citizens who have committed crimes against peace and humanity abroad, whereby the interests of another State or of foreign citizens have been affected. Article 6 (2) of the Criminal Code further stipulates that it applies to other crimes committed by foreign citizens abroad, whenever it is so provided in an international agreement to which Bulgaria is a party.

Cyprus

10. Cyprus reported that the principle of universal jurisdiction is regulated by Section 5 (1) (e) of its Criminal Code in the case of specific crimes (for further information see table 1 below).

11. Cyprus stated that, by virtue of national laws ratifying international conventions, universal jurisdiction is also applicable to the crimes of genocide, crimes against humanity, war crimes, grave breaches of the Geneva Conventions of 1949 and grave breaches of the Additional Protocols I and II to the Geneva Conventions of 1949. Furthermore, by virtue of a law extending the jurisdiction of domestic courts for the purposes of trying certain terrorist offences, universal jurisdiction would also apply to the prosecution of the offences set forth in article 1 of the European Convention on the Suppression of Terrorism of 1977.

Mexico

12. Mexico reported that, under Mexican law, national courts may conditionally exercise universal jurisdiction in two situations: (a) whenever a treaty binding on Mexico provides for such jurisdiction; and (b) whenever a treaty binding on Mexico provides for an obligation to extradite or prosecute (*aut dedere aut judicare*).

13. The conditions for the exercise of universal jurisdiction by Mexican courts are set forth (see section II.B below, on conditions, restrictions or limitations to the exercise of jurisdiction).

[3] For previous comments submitted by Australia, see A/65/181, A/68/113, A/71/111 and A/72/112.

[4] For previous comments submitted by Bulgaria, see A/65/181.

Qatar

14. Qatar stated that certain provisions in its law extend jurisdiction beyond its national borders in a manner congruent with the spirit and nature of the principle of universal jurisdiction. Qatar offered some examples of its national law, such as: Law No. 3 (2004) promulgating the Counter-Terrorism Act; Law No. 4 (2010) promulgating the Anti-Money-Laundering and Combating the Financing of Terrorism Act; and Law No. 15 (2011) on combating human trafficking (for further information see table 2 below).

Switzerland

15. Pursuant to the Swiss Criminal Code, Switzerland recognizes and applies the principle of universal jurisdiction with regard to specific offences (for further information see tables 1 and 2 below).

16. Switzerland reported that, under Swiss law, the principle of universal jurisdiction is considered a secondary jurisdiction exercised when no other court with stronger jurisdictional ties (such as territoriality or nationality) can try an alleged offender.

Turkey

17. Turkey reported that the principle of universal jurisdiction is regulated by article 13 of its Penal Code. Turkish law applies to certain crimes committed abroad, whether committed by a Turkish citizen or a foreign national (for further information see tables 1 and 2 below).

18. Turkey also reported that, according to articles 11 (crimes committed by nationals) and 12 (crimes committed by foreign nationals) of the Penal Code, crimes committed abroad and punishable by at least one year of imprisonment are tried according to Turkish law.

Ukraine[5]

19. Ukraine reiterated comments made previously and added that, according to the international classification of offences that are prosecuted by the principle of universal jurisdiction and pose a serious threat to the international community as a whole, its Criminal Code criminalized a number of crimes (for further information see tables 1 and 2 below).

2. Applicable international treaties

20. On the basis of information received from Governments, a list of the treaties referred to by Governments is provided in table 3 below.

3. Judicial practice

Argentina

21. Argentina reported that Argentine courts have applied the principle of universal jurisdiction after reviewing whether the alleged acts had already been adjudicated or investigated by other competent courts. In such cases, Argentine courts have always justified their jurisdiction, based on the principle of universal jurisdiction, as a type of subsidiary jurisdiction; in other words, only when the acts in question could not or had not been adjudicated elsewhere. The Supreme Court of Argentina has stated that

[5] For previous comments submitted by Ukraine, see A/72/112.

the State is no longer authorized to take decisions that may result in the waiver of criminal prosecution (as in the case of Simón, Julio H. and others, 2005).

El Salvador[6]

22. El Salvador recalled its previous submission on judgment No. 44-2013/145-2013, of 13 July 2016, by which the Constitutional Chamber of the Supreme Court of Justice of El Salvador declared several articles of the General Amnesty (Consolidation of the Peace) Act, applicable in El Salvador for crimes committed during the Salvadoran armed conflict from 1980 to 1992, to be unconstitutional. The judgment, in particular, recognized that crimes against humanity deeply shock the conscience of humanity and undermine human dignity on a universal scale and thus constitute imprescriptible national and international crimes. El Salvador highlighted that such crimes concern non-derogable fundamental rights. The judgment also clarified that the adoption of certain national measures (legislative or otherwise), such as absolute, unrestricted and unconditional amnesties, or those likely to deny justice and reparations for victims, are incompatible with obligations arising from the Salvadoran Constitution and international human rights law. El Salvador further reported that, in its judgment No. 24-S-2016, of 24 August 2016, the Supreme Court expressly referred to the Princeton Principles on Universal Jurisdiction of 2001. Reference was also made to their assertion regarding crimes that are so harmful to international interests that States are entitled to bring proceedings against the perpetrator, regardless of where the crime was committed or the nationality of the perpetrator or of the victim. In addition, El Salvador reported that judgment No. 558-2010, of 11 November 2016, pronounced by the Constitutional Chamber of El Salvador, recognized the importance of not granting amnesty for crimes that represent serious violations of international humanitarian law.

23. El Salvador underlined that such precedents were important as they expressly recognized universal jurisdiction as a legal concept applicable to serious international crimes and as a means to guarantee justice, truth and full reparations for victims. In this connection, universal jurisdiction is a principle that does not require national or territorial links, but simply the existence of crimes that should not be exempt from prosecution due to their seriousness to the international community.

Switzerland

24. Switzerland reported that Swiss courts are presently considering several cases brought against foreign nationals for allegations of crimes against humanity, war crimes or acts of torture committed abroad. Switzerland offered a specific example of a case which was concluded based on the principle of universal jurisdiction by a Swiss military court. The case concerned a Rwandan national who had been convicted by the Swiss Military Court of Cassation of war crimes committed in Rwanda.

B. Conditions, restrictions or limitations to the exercise of jurisdiction

Constitutional and domestic legal framework

Australia

25. Australia noted that trials in Australia will generally be conducted only in the presence of the accused.

[6] For previous comments submitted by El Salvador, see A/65/181, A/66/93, A/67/116, A/69/174 and A/72/112.

26. Australia also noted that, in some situations, the Commonwealth Attorney-General's consent is required before a prosecution can be commenced. This is the case for prosecutions pursuant to Division 268 of the Criminal Code Act 1995 (the Commonwealth Criminal Code), with respect to genocide, crimes against humanity and war crimes, for which consent is required, and Divisions 270 (slavery) and Division 274 (torture) of the Commonwealth Criminal Code, for which consent is required if the offence occurred wholly outside Australia. Jurisdiction for such crimes applies whether or not the conduct constituting the alleged offence, or a result of the conduct constituting an alleged offence, occurs in Australia. In addition, there is no requirement that the alleged victim or perpetrator be an Australian citizen, resident or body corporate. For slavery-like offences of servitude, forced labour, deceptive recruiting for labour or services, forced marriage, as well as certain offences related to trafficking in persons, organ trafficking and debt bondage, conduct that occurs wholly outside Australia will only constitute an offence where the perpetrator is an Australian citizen, resident or body corporate. In relation to piracy and piracy-related offences (Part IV of the Crimes Act 1914), Australia underlined that jurisdiction for these offences applies irrespective of the nationality of the alleged perpetrator or the victim, the flag State of the vessels involved, or of any connection with Australia. The consent of the Attorney-General is required for Australian authorities to prosecute these offences.

27. In exercising the discretionary power to consent, the Attorney-General may have regard to international law, practice and comity, prosecution actions in other States and other matters of public interest.

Mexico

28. Mexico reported that, pursuant to article 4 of its Criminal Code, in the situation where Mexican courts may exercise universal jurisdiction whenever a treaty binding on Mexico provides for such jurisdiction (see section II.A above, on basic legal rules), and in order for universal jurisdiction to apply, the accused must be: (a) present in Mexico; (b) not have been finally sentenced in the country where the offence was committed; and (c) the offence must be criminalized both in Mexico and in the State where it was committed.

29. With regard to the situation in which Mexican courts may exercise universal jurisdiction whenever a treaty binding on Mexico provides for an obligation to extradite or prosecute (*aut dedere aut judicare*), Mexico stated it applies to genocide under the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 and to torture under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984. In this respect, according to article 2 of the Mexican Federal Criminal Code, Mexican courts may exercise universal jurisdiction when: (a) the treaty binding on Mexico stipulates an obligation to extradite or prosecute; (b) the requirements of article 4 of the Federal Criminal Code are met; and (c) the accused is not being extradited to the requesting State.

Switzerland

30. Switzerland stated that the Swiss legal order still subscribes to a "conditional" or "limited" conception of the principle of universal jurisdiction. The exercise of universal jurisdiction is subject to two conditions: (a) that the alleged offender is on Swiss territory; and (b) that the alleged offender has not been extradited to another competent jurisdiction.

Ukraine

31. Ukraine reiterated information submitted previously and highlighted that universal jurisdiction was enshrined in article 8 of its Criminal Code, under which foreign nationals or stateless persons not permanently residing in Ukraine may be held criminally liable under the Code for offences as provided for by international treaties, or if they have committed grave or especially grave offences punishable under the Code against the rights and freedoms of Ukrainian citizens or the interests of Ukraine.

32. Such individuals shall also be criminally liable under the Code if they have committed outside Ukraine, in complicity with officials who are citizens of Ukraine, any of the offences provided for by articles 368 and 369 of the Code relating to the taking or giving of a bribe, or if they offered, promised or provided illegal benefit to such officials or accepted an offer or promise of undue advantage or received from them such benefit.

III. Scope and application of universal jurisdiction: comments by observers

International Committee of the Red Cross

33. The International Committee of the Red Cross (ICRC) reiterated previous comments on several aspects of universal jurisdiction related to international humanitarian law (see A/66/93, A/68/113, A/69/174, A/70/125, A/71/111 and A/72/112).

34. The ICRC noted that States have increasingly recognized the principle of universal jurisdiction as an important means of ending impunity for the commission of serious violations of international humanitarian law and other international crimes. In this respect, the universal acceptance of the Geneva Conventions (196 States parties), States' continued ratification or accession to Additional Protocol I (174 States parties), and the significant increase in the ratification or accession by States of other relevant treaties were mentioned.

35. ICRC noted that its identification of States that had established some form of universal jurisdiction over serious violations of international humanitarian law in their national frameworks continues to increase, now reaching 117 States. Recent examples offered by ICRC include Afghanistan, Kenya, Mexico, United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland.

36. It further stated that many States have created specialized units to deal exclusively with the substantive and procedural specificities of international crimes and States continue to lead an international initiative aimed at the development of a mechanism for mutual legal assistance. ICRC further reported that, in 2017, national prosecutions had started investigations in over 20 cases on the basis of the principle of universal jurisdiction (including in Argentina, Belgium, France, Germany, Spain, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America) and relevant examples of judgments rendered have come from courts in Germany, Senegal and Sweden.

37. ICRC reiterated its support to States in their implementation of international humanitarian law, including, but not limited to, the obligation to repress serious violations of international humanitarian law through the exercise of universal jurisdiction. In this connection, the ICRC Advisory Service on International Humanitarian Law offers legal advice and technical assistance to government experts on national implementation of international humanitarian law. ICRC also

acknowledged the efforts being made by States and the challenges they face in prosecuting serious violations of international humanitarian law.

38. ICRC concluded by reiterating its commitment to address issues relating to the prevention and repression of serious violations of international humanitarian law on the basis of all grounds of jurisdiction, including universal jurisdiction, while recognizing the judicial, procedural and practical challenges that States face regarding the principle.

IV. Nature of the issue for discussion: specific comments by States

Argentina

39. Argentina stated that universal jurisdiction is a critical component of the international criminal justice system. If the territory State is, or States that have a connection to the crime are, unable or unwilling to exercise jurisdiction, other States can fill the impunity gap by invoking universal jurisdiction. In this connection, Argentina noted that universal jurisdiction is an exceptional tool and cautioned against its unrestricted use. Argentina underlined that universal jurisdiction may be exercised based solely on the nature of the crime.

40. While recognizing that the principles of universal jurisdiction and *aut dedere aut judicare* may overlap, Argentina highlighted that they are distinct.

Australia[7]

41. Australia recognized universal jurisdiction as a well-established principle of international law while reiterating that, as a general rule, the State in which a crime took place (the territorial State) and the State of nationality of the perpetrator (the State of nationality) bear the primary jurisdiction and responsibility over the perpetrators. Nonetheless, Australia noted that each State should prohibit serious crimes under their domestic law, and exercise effective jurisdiction over those crimes when they are committed on their territory or by their nationals.

El Salvador

42. El Salvador reiterated that universal jurisdiction plays an essential role as a key rule of law instrument for combating and ending impunity, as well as for ensuring justice, truth and full reparation for the victims of serious international crimes against humanity. El Salvador stated that it would maintain its commitment to contribute to the study of the topic in the Sixth Committee of the General Assembly.

Mexico

43. Mexico considered universal jurisdiction to be a useful tool to combat impunity for the most serious offences of international significance, as it allows national courts to exercise jurisdiction even when there is no connection or link with the State, such as territory or nationality.

Qatar

44. Qatar noted that the principle of universal jurisdiction is one of the fundamental means of preventing, suppressing and criminalizing grave violations of international

[7] For previous comments submitted by Australia, see A/65/181, A/68/113 and A/71/111.

humanitarian law and that action should be taken to foster legal and judicial cooperation and to implement mechanisms in support of the principle.

45. In this light, Qatar added that the proliferation of acts of terrorism around the world, which pose a threat to the lives and property of civilians, gives the international community another reason to consolidate the principle of universal jurisdiction.

Switzerland

46. Switzerland stated that the principle of universal jurisdiction is a customary principle whereby a court can exercise its jurisdiction over a case even in the absence of ties between the merits and the forum State. Switzerland also stated that universal jurisdiction is an effective tool for fighting impunity, as it ensures that those guilty of the most serious crimes are brought to justice.

47. Switzerland recalled that the international community has not been able to reach a consensus on the definition and scope of the principle of universal jurisdiction and therefor proposed that the International Law Commission be involved in consideration of the issue. The Commission's involvement would be desirable, given the highly legal and technical nature of the issue, which should be dealt without political considerations. Switzerland further stated that a comprehensive legal study on the application of the principle of universal jurisdiction by the Commission would provide a solid basis for future constructive discussions within the Sixth Committee.

Table 1
List of crimes mentioned in the comments by Governments concerning which universal jurisdiction (including other bases of jurisdiction) is established by their codes

Crime	*State*
Genocide	Argentina, Australia, Switzerland, Turkey, Ukraine
War crimes	Argentina, Australia, Switzerland
Torture	Australia, Qatar, Turkey
Piracy	Australia, Cyprus, Ukraine
Slavery	Australia
Servitude*	Australia
Forced labour*	Australia
Deceptive recruiting for labour or services*	Australia
Forced marriage*	Australia
Certain offences related to trafficking in persons	Australia
Organ trafficking*	Australia
Debt bondage*	Australia
Crimes against humanity	Argentina, Australia, Switzerland, Turkey

Crime	*State*
Torture as an underlying crime of crimes against humanity	Argentina
Enforced disappearance as an underlying crime of crimes against humanity	Argentina
Crimes against peace	Bulgaria
Human trafficking	Bahrain, Qatar, Ukraine
Migrant smuggling	Turkey
Terrorism	Qatar, Ukraine
Financing of terrorism	Qatar
Money-laundering	Qatar
Offences against minors	Switzerland
Violation of the rules of warfare	Ukraine
Trespass against territorial integrity and inviolability of Ukraine	Ukraine
Action aimed at forceful change or overthrow of the constitutional order or takeover of government	Ukraine
Planning, preparation and waging of an aggressive war	Ukraine
Taking a bribe, promise or receiving illegal benefit by public servant*	Ukraine
Bribery of official of legal entity of private law regardless of the legal-organizational form*	Ukraine
Bribery of individual who provides public services*	Ukraine
Giving a bribe, promise or giving an illegal benefit to public servant*	Ukraine
Undue influence*	Ukraine
Crimes against relations with foreign states	Turkey
Intentional pollution	Turkey
Production and trade of narcotics or psychotropic substances	Turkey
Offences related to illicit trafficking of dangerous drugs	Cyprus
Facilitation of the use of narcotics or psychotropic substances	Turkey
Counterfeiting of money	Turkey

Crime	*State*
Offence related to the currency or banknote of the Republic of Cyprus	Cyprus
Manufacturing and trading of instruments used in the production of money and valuable seals	Turkey
Counterfeiting of seals	Turkey
Prostitution	Turkey
Seizing control or hijacking of air, sea or rail transport vehicles and offences relating to the damaging of such vehicles	Turkey
Crimes against sovereignty insignia of the State and against the respectability of its organs	Turkey
Crimes against the security of the State	Turkey
Crimes against the constitutional order and the functioning of that order	Turkey
Crime against national defence	Turkey
Crimes involving State secrets and espionage	Turkey
Crimes committed abroad and punishable by at least one year of imprisonment	Turkey
Treason or offence against the security of the Republic of Cyprus or the constitutional order	Cyprus
Offence whose one constituent element is an act or omission, the object of which is immovable property situated in the Republic of Cyprus	Cyprus
Damage caused to property or deprived or retained property situated outside the territory of the Republic of Cyprus which is directly or indirectly owned by the Republic or by a person who has a permanent residence in the Republic or by a company having either its registered office in the Republic or in trust governed by Cypriot Law	Cyprus
Illegal detention of minor outside the territory of the Republic of Cyprus	Cyprus
Offences for which the Cypriot laws are applicable by virtue of any binding international convention or treaty	Cyprus

* These crimes should be read and considered taking into account section II.B, on conditions, restrictions or limitations to the exercise of jurisdiction.

Table 2
Specific legislation relevant to the subject, based on information submitted by Governments

Crime	*Legislation*	*Country*
Genocide	Articles 4 and 6 of the Law 8(III)/2002 as amended by Law 23 (III)/2006	Cyprus
War crimes	Articles 4 and 6 of the Law 8(III)/2002 as amended by Law 23 (III)/2006	Cyprus
Piracy	Part IV of the Crimes Act 1914	Australia
Breaches of the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf	The Crimes (Ships and Fixed Platforms) Act 1992	Australia
Offence of operating a pirate-controlled ship or aircraft	Part IV of the Crimes Act 1914	Australia
Crimes against humanity	Articles 4 and 6 of the Law 8(III)/2002 as amended by Law 23 (III)/2006	Cyprus
Trafficking in persons	Act No. 1 of 2008 on Combating Trafficking in Persons	Bahrain
Human trafficking	Law No. 15 (2011)	Qatar
Terrorism	Law No. 3 (2004) promulgating the Counter-Terrorism Act	Qatar
Money-Laundering and Financing of Terrorism	Law No. 4 (2010) promulgating the Anti-Money-Laundering and Combating the Financing of Terrorism Act	Qatar
Grave breaches of the Geneva Conventions I, II, III, and IV	Article 4 (1) and (2) of the Law 40 (III)/1966	Cyprus
Grave breaches of Additional Protocol I to the Geneva Conventions	Article 4 of the Law 43/1979	Cyprus
Grave breaches of Additional Protocol II to the Geneva Conventions	Article 4 of Law 7(III)/1995	Cyprus
Offences as found in article 1 of the European Convention on the Suppression of Terrorism of 1977	Sections 3 and 4 of the Law 9/79	Cyprus

Table 3
Relevant treaties that were referred to by Governments, including treaties containing *aut dedere aut judicare* provisions

Universal instruments

International human rights law	International Covenant on Civil and Political Rights	Australia
	International Convention for the Protection of All Persons from Enforced Disappearances	Argentina
Safety of maritime navigation	1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation	Australia
	1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf	Australia
	Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf of 1988	Argentina
Aircraft or civil aviation safety	Convention on Offences and Certain Other Acts Committed on Board Aircraft of 1963	Argentina
	Convention for the Suppression of Unlawful Seizure of Aircraft of 1970	Argentina
	Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1971	Argentina
Law of armed conflict	Geneva Conventions of 1949	Argentina Bahrain Cyprus Mexico Qatar Ukraine
	Additional Protocol I to the Geneva Conventions of 1949	Cyprus Qatar
	Additional Protocol II to the Geneva Conventions of 1949	Cyprus
	The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954	Argentina
	International Convention against Recruitment, Use, Financing and Training of Mercenaries of 1989	Argentina
Genocide	Convention on the Prevention and Punishment of the Crime of Genocide, 1948	Bahrain Mexico

Rights of the child	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000	Bahrain
	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000	
Law of the Sea	United Nations Convention on the Law of the Sea	Argentina Mexico Qatar
Criminal law	Rome Statute of the International Criminal Court	Mexico Cyprus Switzerland
	International Convention on the Suppression and Punishment of the Crime of Apartheid of 1973	Argentina
	Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 1973	Argentina
	International Convention against the Taking of Hostages of 1979	Argentina
	United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988	Argentina
	Convention in the Safety of United Nations and Associated Personnel of 1994	Argentina
	United Nations Convention against Transnational Organized Crime of 2000	Argentina
	United Nations Convention against Corruption of 2003	Argentina
Torture	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Argentina Mexico Qatar Ukraine
Terrorism	European Convention on the Suppression of Terrorism of 1977	Cyprus

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Report of the Secretary-General

Addendum

II. Scope and application of universal jurisdiction on the basis of relevant national legal rules, applicable international treaties and judicial practice: comments by Governments

A. Basic legal rules

1. Relevant national legal rules

Bulgaria

1. Bulgaria reiterated that article 6 of its Criminal Code envisages the principle of universal jurisdiction. It applies to crimes committed abroad by foreign citizens when interests of another country or citizens have been infringed and one of two criteria is met, namely: (a) when the crimes committed abroad are crimes against peace and humanity; or (b) when Bulgaria has an international obligation to criminally prosecute such crimes.

2. Bulgaria noted that the international treaties falling within the competence of the Ministry of Justice do not contain provisions prescribing the application of the principle of universal jurisdiction.

3. Judicial practice

Bulgaria

3. Bulgaria reported that the Ministry of Justice is not legally obliged to independently gather statistical data on the crimes committed on Bulgarian territory and therefore does not have information regarding the case law on the application of the principle of universal jurisdiction.

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